

ANNEX E

Applicant with dual status

o Twelfth transmission - ICC-01/05-01/08-1723-Conf-Exp-Anxs

Applicant [REDACTED]

Claim to victim status

The applicant states that on 27 November 2002, in PK [REDACTED], she saw vehicles with soldiers with yellow scarves on their heads, who were shooting with their weapons. The applicant states that she was scared and therefore sought refuge in her house, together with her children. According to the applicant, because of the shooting, she could not go out of her house for one week and her husband who was at the [REDACTED] could not come home. The applicant states that during this time, the Banyamulengués pillaged some houses in the area. She was further informed that Abdoulaye Miskine, accompanied by the Banyamulengués, had entered the [REDACTED] to kill the [REDACTED]. She later heard that they also killed her husband. She appends a death certificate and a declaration of death indicating that her husband died on 27 November 2002, killed by Jean-Pierre Bemba's rebels. The applicant further states that on Saturday of the same week, during the night, a group of Banyamulengués entered her house. Two of them raped her and her ten-year-old daughter. The applicant alleges that they then pillaged her belongings. As a result of the alleged events, the applicant claims to have suffered physical, psychological and material harm.²

Analysis and conclusions

¹ ICC-01/05-01/08-1723-Conf-Exp-Anx56; ICC-01/05-01/08-1725-Conf-Exp-Anx3, pages 37 to 38.

² ICC-01/05-01/08-1723-Conf-Exp-Anx56, pages 4 to 5 and 9.

The Chamber considers that the documents provided demonstrate the identity of the applicant and her deceased husband as well as their kinship. However, in the absence of any document demonstrating the identity of and kinship with her daughter, the rape of her daughter will not be considered for the purpose of the present assessment.

Regarding the death of the applicant's husband, the Chamber notes that the applicant states that the [REDACTED] at the [REDACTED] were killed by Abdoulaye Miskine. Accordingly, only pillage will be considered for the purpose of the present assessment. The Chamber considers that, overall, the applicant has provided sufficient evidence to establish *prima facie* that she is a victim under Rule 85(a) on the basis that she suffered personal harm as a result of crimes confirmed against the accused, namely the pillage of her belongings by the Banyamulengués of Jean-Pierre Bemba in [REDACTED] on and as of 27 November 2002.